

CALIFORNIA COASTAL COMMISSION

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Item Tu7f

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Staff: CP-LB
Staff Report: 7/24/01
Hearing Date: August 7, 2001
Commission Action:



STAFF REPORT: APPEAL
DE NOVO COASTAL DEVELOPMENT PERMIT

LOCAL GOVERNMENT: City of Long Beach

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-LOB-01-111

APPLICANT: Genesis Real Estate Group (Gordon Ip)

AGENTS: George Medak & Mel Nutter

PROJECT LOCATION: 350 E. Ocean Boulevard, City of Long Beach, Los Angeles Co.

PROJECT DESCRIPTION: Construction of two 18-story, 278-unit residential condominium towers (total of 556 units) above a three-level parking garage with 1,008 parking spaces. Includes use of Victory Park and vacation of portions of the Elm Avenue, Marine Way and Seaside Way public rights-of-way.

APPELLANTS: James Mewes, Dennis Apodaca and Donald Snow

SUMMARY OF STAFF RECOMMENDATION

At a public hearing on May 7, 2001, the Commission determined that **a substantial issue exists** with respect to the local government's approval of the proposed development on the grounds that the approved development does not conform to the standards set forth in the City of Long Beach certified Local Coastal Program (LCP). The substantial issues involve the provision of adequate on-site parking, protection of public access and views through the site, and protection of Victory Park for public recreation.

Staff recommends that the Commission, after a public hearing, **approve a de novo coastal development permit** for the proposed development with special conditions to: ensure the provision of adequate on-site parking for residents and guests, protect Victory Park for public recreation, protect public access and public views through the site from Ocean Boulevard, and require the construction of a public pedestrian bridge or the payment to the City of an in lieu fee to extend the east/west walkway from the proposed project to the adjacent blufftop properties. The applicant is in agreement with the staff recommendation.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach Certified Local Coastal Program, 7/22/80.
2. City of Long Beach Local Coastal Development Permit No. 0012-20.
3. City of Long Beach Resolution of Intention to Vacate portions of Elm Way, Marine Way and Seaside Way, 4/17/2001.
4. City of Long Beach Vesting Tentative Tract Map No. 53405.
5. Residential Parking Demand Study, by Kaku Associates Inc., June 2001.
6. Appeal/Coastal Development Permit No. A-5-LOB-99-135 (100 E. Ocean Blvd.).
7. Long Beach LCP Amendment No. 1-99, August 1999.

STAFF NOTE:

The action currently before the Commission is the de novo portion of an appeal of a local coastal development permit for development located within the jurisdiction of the certified Long Beach Local Coastal Program (LCP). The Commission's standard of review for the proposed development is the certified Long Beach LCP.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION

"I move that the Commission approve with special conditions Coastal Development Permit A5-LOB-01-111 per the staff recommendation as set forth below."

Staff recommends a **YES** vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the City of Long Beach Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the

environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Permit Compliance

Coastal Development Permit A-5-LOB-01-111 permits 556 residential condominium units within two 18-story structures with a total of 1,008 on-site parking spaces located in a three-level parking garage located entirely below the grade of Ocean Boulevard. Any proposed change in the number of units, change in use, change in public accessways or view corridors, change in the on-site parking supply, or other deviation from the approved plans shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Executive Director determines that an amendment is necessary, no changes shall be made until the permit is amended by the Commission and issued by the Executive Director.

2. Parking Management

The applicant shall provide and maintain 1,008 on-site parking spaces in a three-level parking garage located entirely below the grade of Ocean Boulevard. These parking spaces shall be managed as follows:

- A) As proposed by the applicant, and required by City of Long Beach Case No. 0012-20, a 120-space section of the parking garage shall be reserved for the use of the general public, including guests of the persons who live in the proposed development. None of these 120 parking spaces shall be sold or reserved for anyone other than the general public (except for handicapped spaces which are reserved for use by non-resident handicapped persons only). These 120 parking spaces shall be identified with signage.
- B) The applicant shall provide and maintain the remaining 888 parking spaces for the exclusive use of the persons who live in the proposed development. Parking for handicapped residents shall be provided within the 888-space residence parking supply. The 888 spaces shall be managed as a common pool of shared parking, with no parking spaces sold or reserved except as provided below:
 - 1. A maximum of one parking space per unit may be sold (or reserved) for the exclusive use of the person(s) who reside in each one-bedroom unit (297 units/297 parking spaces). The resident(s) of a one-bedroom unit may not have exclusive use of more than one parking space.
 - 2. A maximum of two parking spaces per unit may be sold (or reserved) for the exclusive use of the person(s) who reside in each unit larger than one-bedroom, including one-bedroom units with studies (259 units/518 parking spaces). The resident(s) of units larger than one-bedroom, including one-bedroom units with studies, may not have exclusive use of more than two parking spaces.
 - 3. The remainder of the 888 parking spaces (those not owned or reserved by residents) shall be managed as a common pool of shared parking for: residents who have opted not to purchase or otherwise reserve a parking space, residents in need of more than the maximum one or two parking spaces allocated by items in Section 2.B.1 and 2.B.2 above, residents' guests, and employees of the proposed development.
- C) The applicant shall keep a parking space inventory on the premises, available for public review, which accounts for each parking space in the garage. This list shall specify which parking spaces have been sold or reserved and to which unit they belong in the proposed project. In no case shall the residents of a single unit reserve more than the maximum one or two parking spaces allocated by items in Section 2.B.1 and 2.B.2 above.

- D) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Commission approved amendment to this coastal development permit.

3. Victory Park

- A) The proposed condominium towers and all proposed private improvements, except for underground parking located entirely below the elevation of Ocean Boulevard, shall be set back a minimum of eighty feet (80') from the current southern curbline of Ocean Boulevard. Encroachments onto or over any portion of Victory Park are prohibited unless specifically permitted by a coastal development permit. Prohibited encroachments include, but are not limited to: gates, fences, walls, signs, tables, chairs, displays, merchandise racks, and roof overhangs. Public benches are permitted and encouraged.
- B) The proposed Victory Park improvements shall be constructed concurrent with, the construction of the proposed condominium units. The proposed Victory Park improvements shall be completed, verified by the City as being in compliance with the Victory Park guidelines, and open for use by the general public, prior to occupancy of the proposed residential units. Subsequent to the completion of the proposed improvements to Victory Park, the permittee, its agents, managers, and sublessees shall not block or interfere with public access to and use of Victory Park at any time.

4. Public Access and Views

- A) The applicant shall provide and maintain the following Ocean Boulevard level public accessways on the project site, for the life of the project:
1. A twenty-foot (20') wide north-south public walkway along the Hart Place right-of-way, connecting the Ocean Boulevard sidewalk to the Ocean Boulevard level public promenade proposed to run the length of the southern edge of the project (as shown on Exhibit #5 of the 7/24/01 staff report). This twenty-foot wide north-south public walkway is a view corridor. No structures over 42 inches in height or parking areas shall be placed in the view corridor. Landscaping shall be maintained so as not to exceed 42 inches in height within the view corridor.
 2. A forty-foot (40') wide north-south public walkway along the Elm Way right-of-way, connecting the Ocean Boulevard sidewalk to the Ocean Boulevard level public promenade proposed to run the length of the southern edge of

the project (as shown on Exhibit #5 of the 7/24/01 staff report). This forty-foot wide north-south public walkway is a view corridor. No structures over 42 inches in height or parking areas shall be placed in the view corridor. Landscaping shall be maintained so as not to exceed 42 inches in height within the view corridor.

3. A twenty-foot (20') wide east-west Ocean Boulevard level public promenade running the length of the southern edge of the project from the Hart Place walkway to the public stairway which descends to the Linden Avenue sidewalk (as shown on Exhibit #5 of the 7/24/01 staff report).
- B) The permittee, its agents, managers, and sublessees shall not block or interfere with public access to and along the public accessways described in this condition. Encroachments onto or over these public accessways and view corridors are prohibited unless specifically permitted by a coastal development permit. Prohibited encroachments include, but are not limited to: works of art, gates, fences, walls, above-grade signs, tables, chairs and displays. Public benches are permitted. Plaques, at least two square feet in area, shall be placed within the paving (on ground level) of each public accessway at: each end of the east-west public promenade and on each north-south accessway where they abut the Ocean Boulevard sidewalk. The plaques shall state "Public Accessway" with clearly visible text using letters at least two inches high. The public accessways shall be completed, and open for use by the general public, prior to occupancy of the proposed residential units. The applicant shall maintain the approved development consistent with the requirements of this condition.
- C) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel and an exhibit showing the public accessways and view corridors (Exhibit #5 of the 7/24/01 staff report). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Commission approved amendment to this coastal development permit.

5. Pedestrian Bridge

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide the either of the following (A or B) for the review and approval of the Executive Director:

- A) Written evidence that the applicant has submitted its payment of an in lieu fee to the City account dedicated for the construction of public pedestrian bridges over Hart

Place and Linden Avenue. The amount of the in lieu fee shall be equivalent to one-half of the cost of the two public pedestrian bridges across Hart Place and Linden Avenue to join the promenade to the adjoining properties (Harbor Place and Convention Center), consistent with the requirements of City of Long Beach Case No. 0012-20 (Site Plan Review, Standards Variance and Vesting Tentative Tract Map), **OR**,

- B) A written agreement that the applicant will construct, as part of the proposed development, the entire public pedestrian bridge across Hart Place to join the promenade to the adjoining property to the west (Convention Center). If the applicant chooses this option (option B), the agreement shall specify that the public pedestrian bridge shall be completed, and open for use by the general public, prior to occupancy of the proposed residential units.

The permittee, its agents, managers, and sublessees shall not block or interfere with public access to or across the public pedestrian bridge(s).

6. Traffic and Parking Management Association

The applicant and all designated operators and managers of the parking facilities proposed herein shall participate in the Traffic and Parking Management Association established pursuant to the City of Long Beach certified Local Coastal Program [see certified LCP Downtown Shoreline Planned Development Plan (PD-6): General Development and Use Standard (b)6].

7. Local Government Approval

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act, including the conditions of City of Long Beach Case No. 0012-20 (Site Plan Review, Standards Variance and Vesting Tentative Tract Map).

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and History

The applicant proposes to construct two 18-story, 278-unit residential condominium towers (total of 556 units) above a three-level parking garage (Exhibit #6). Each proposed condominium tower would reach approximately 220 feet above Ocean Boulevard level and 250 feet above Seaside Way elevation (Exhibit #6). The proposed 1,008-space parking garage does not exceed the elevation of Ocean Boulevard. No commercial uses are proposed as part of the proposed residential condominium project.

The project site is located on the coastal bluff which runs along the south (seaward) side of Ocean Boulevard in downtown Long Beach (Exhibit #2). In the 1950's, the ocean and beach occupied the area near the toe of this bluff, but several landfill projects (most occurring prior to the Coastal Act) and the construction of the Long Beach Convention and Entertainment Center have displaced the former beach. The nearest shoreline is the beach located about a thousand feet southeast of the site (Exhibit #2). The Chapter 138 Line, which runs along Seaside Way on the southern boundary of the site, is the former shoreline and the boundary between the Commission's area of original jurisdiction (tidelands) and the City's LCP jurisdiction (Exhibit #3).

Except for Victory Park and Elm Avenue which are improved, the project site is vacant and has been fenced-off for several years. The area located to the west and south of the project site is occupied by the Long Beach Convention and Entertainment Center and its parking facilities (Exhibit #2). The blocks to the north and east of the project site are developed with high-rise residential and commercial buildings.

The 2.226-acre project site includes portions of the Elm Avenue, Marine Way and Seaside Way public rights-of-way which the City intends to vacate (Exhibit #3). The use of Victory Park, a park strip on the coastal bluff approximately eighty feet wide, is also included as part of the proposed project (Exhibit #4).

Victory Park would be excavated and developed for the proposed project's parking supply, a three-level garage built below Ocean Boulevard grade (Exhibit #6, p.2). After the park is demolished and excavated, and the proposed parking garage is constructed, the applicant proposes to landscape the top of the garage roof and restore the area as a City park (Exhibit #4). The restored park would be the same elevation as Ocean Boulevard. The proposed towers are set back eighty feet from the Ocean Boulevard curblin. The restored park would be bisected by a driveway providing vehicular access to the proposed parking garage. The proposed driveway through the park would occupy the present Elm Avenue right-of-way.

The proposed three-level parking garage contains 888 parking spaces for the proposed 556 residential units and 120 parking spaces for the general public and guests. The public has access to 120 of the parking spaces because the parking garage is partially located on public property. Vehicular access to the parking garage is proposed from Ocean Boulevard (via Elm Avenue), Hart Place and Linden Avenue (Exhibit #4). Vehicular access from Seaside Way is not proposed in order to avoid conflict with the use of Seaside Way for the annual Long Beach Grand Prix circuit each April.

The City approval of the tract map includes required easements for public pedestrian access on the Ocean Boulevard level across the following three portions of the project site:

East/west public promenade (20' wide) along the entire southern (seaward) side of site.
North-South walkway (20' wide) on Hart Place along the entire western side of the site.
North-South walkway between the two towers (applicant proposes 40' wide) from Victory Park to east/west promenade. [See Exhibit #5].

The two north/south easements for public access are also view corridors which preserve views through the site from Ocean Boulevard (Exhibit #6). The proposed project includes a circular drop-off and loading area situated between the two towers and within the Elm Avenue view corridor (Exhibit #4). The applicant has deleted all surface parking areas from the forty-foot wide Elm Avenue view corridor. The two towers would be cantilevered over half of the City-required twenty-foot wide public promenade situated along the entire southern side of the site at Ocean Boulevard elevation.

The Commission's standard of review for the proposed development is the certified Long Beach LCP. The certified Long Beach LCP is comprised of the certified Land Use Plan (LUP) and the certified implementing ordinances (LIP). The certified LUP is comprised of the land use map of the City's General Plan and the planning policies of the certified LCP. The certified implementing ordinances (LIP) carry out the policies of the certified LUP. The certified implementing ordinances (LIP) that apply to the proposed development are the development standards for Planned Development District No. 6 (PD-6). Planned Development District No. 6 covers the Downtown Shoreline area of Long Beach (Exhibit #2). The proposed project is located in Subarea 9 of PD-6.

B. Land Use

The proposed project, two high-density residential condominium towers (total of 556 units), is an allowable use pursuant to the certified Long Beach LCP. The project site occupies the properties immediately west and east of Elm Avenue (Exhibit #3). In regards to allowable uses in Subarea 9 of PD-6, the certified LCP states:

Uses: Dense residential or hotel, west of Elm Avenue; dense residential or mixed residential and office in the same structure east of Elm Avenue. Retail and restaurant uses shall be permitted at the Ocean Boulevard level, or at top levels. Victory Park in the subarea shall be a dedicated City park. Residential uses shall not exceed a density of two hundred and fifty (250) dwelling units per acre.

The certified LCP states that residential density on the site shall not exceed 250 dwelling units per acre. The applicant has submitted a survey showing that the project site contains 2.226 acres, including the portions of the Elm Avenue, Marine Way and Seaside Way rights-of-way that are being vacated as part of the proposed project. The residential density limit in the certified LCP allows a maximum of 556 dwelling units on the 2.226-acre site ($250 \times 2.226 \text{ acres} = 556.5 \text{ units}$). The proposed project includes the maximum allowable 556 residential units for the 2.226-acre site. Therefore, the proposed land use conforms to the certified Long Beach LCP.

C. Parking

The downtown neighborhood where the project is proposed currently suffers from an insufficient parking supply. During the local hearings on the proposed project, the appellants and other

local residents testified that the area suffers from a shortage of adequate parking. The shortage of parking in the project area is the result of the presence of several older high-density residential developments that lack adequate on-site parking, the high parking demand generated by events at the Long Beach Convention and Entertainment Center, and the parking demand generated by local commercial uses.

The nearby shoreline recreation facilities (beach and marina), located about a half-mile south and west of the proposed project, generate little parking demand in the immediate area of the proposed project because these shoreline recreational facilities have their own protected parking supplies which, for the most part, are adequate to meet the parking demands of the public recreationists.

Generally, it is the local residents that are competing with one another for the small amount of parking that is available in the area, except during special events that generate very high demands for parking. Annual special events, including the Long Beach Grand Prix, Gay Pride Festival, Beachfest, and numerous concerts and sporting events create very high demands for parking throughout the Downtown Shoreline area. Peak parking demand periods usually occur when special events are being held simultaneously within and adjacent to the Long Beach Convention and Entertainment Center.

The increased demand for parking during these events, as mandated by the certified LCP, is managed by the Parking and Traffic Management Organization (PTMO). The PTMO is an association that manages the sharing of private parking facilities throughout the Downtown Shoreline area in order to ensure that an adequate downtown parking supply is available during peak parking demand periods. The proposed project includes the provision of 120 public parking spaces in the proposed parking garage, which is partially located on public property. The City tract map and site plan review approval requires the applicant to participate in the PTMO and to make the 120 public parking spaces available as part of the shared parking plan that is organized and implemented through the PTMO. A condition of this permit also mandates the applicant's participation in the PTMO.

LCP Parking Requirements

Stated succinctly, the transportation and access policies contained in the Land Use Plan (LUP) portion of the certified Long Beach LCP state:

1. *Increase reliance on public transit.*
2. *Decrease reliance on automobiles.*
3. *Provide slightly more parking*
4. *Increase pedestrian and bicycle access opportunities.*

The Implementing Ordinances (LIP) portion of the certified LCP, in this case the development standards for Planned Development District No. 6, requires that all new development provide

parking at a specific standard (two parking spaces per unit plus guest parking) in order to ensure that the parking supply is sufficient to meet the parking demands of the project, and also to avoid any increase in competition for the limited shared parking facilities in the coastal zone (i.e., public parking lots and on-street parking spaces). The certified LIP, however, also allows the City to grant variances from the standards of the Planned Development Ordinance stating:

"In reviewing and approving site plans and tract maps for the development of the area, the City Planning Commission shall be guided by the goals and policies of the General Plan and General Development and Use Standards specified herein. The Commission shall not permit variance from those standards unless it finds that such variance meets the intent of the standards of this plan."

In fact, the proposed project includes a City-approved Standards Variance that would allow the applicant to provide substantially fewer on-site parking spaces than would be required by the parking standard contained in the certified LCP. The certified LCP requires that on-site parking be provided (below Ocean Boulevard level) at the following rate:

PD-6 General Development and Use Standards: Parking (d)

*Two spaces per residential unit (2 spaces/unit)
plus guest parking: one space per six residential units (1 space/6 units)*

PD-6 Subarea 9 Specific Development and Use Standards: Parking (d)

Parking for all construction of new buildings shall be in parking structures not to exceed Ocean Boulevard elevation. Parking structures not visible from Ocean Boulevard may exceed the Ocean Boulevard elevation. Parking spaces shall be provided as designated in the general development and use standards for new uses.

The above-stated certified LCP parking standard would require the proposed 556-unit project provide 1,205 on-site parking spaces (2 parking spaces x 556 units = 1,112 parking spaces, plus 93 guest parking spaces).

The proposed project, for which the City granted a parking variance, includes a total of 1,008 on-site parking spaces located in a three-level parking garage located entirely below the grade of Ocean Boulevard. Therefore, the applicant is requesting an exception to the LCP parking requirement by proposing to provide 197 parking spaces fewer (16%) than the 1,205 spaces required by the standard contained in the certified LCP.

Applicant's Proposed Parking Plan

In support of the requested exception to the LCP parking requirement, the applicant has submitted a parking study conducted by Kaku Associates (Exhibit #15). The applicant's parking

study, which supports the assertion that the proposed 1,008 on-site parking spaces will meet the demands of the proposed project, is based on parking occupancy counts at eleven high-density apartment and condominium complexes located in the coastal zone in downtown Long Beach, San Diego, Marina del Rey and Santa Monica. The parking occupancy counts were conducted at midnight on a weekday, when residential parking demands are highest.

The applicant's parking study shows that the majority of condominium units tend to be occupied by people who own no more than one car, especially persons who live in high-density residential developments in the coastal zone cities of Long Beach, San Diego, Marina del Rey and Santa Monica. The parking study shows that the 1,008-space parking supply for the proposed project (1.8 spaces per unit) would be more than adequate to meet the needs of the eleven study sites which were found to have peak parking demands of 0.66 to 1.59 parking spaces per occupied residential unit (See Graph, Exhibit #15, p.3). The 1,008 parking spaces proposed to serve the 556 residential units equals a ratio of 1.8 parking spaces per residential unit ($1,008 \text{ spaces} / 556 \text{ units} = 1.81$). The parking ratio of the certified LCP parking standard is 2.17 parking spaces per residential unit ($1,205 \text{ spaces} / 556 \text{ units} = 2.17$).

The parking demand ratios presented in the applicant's parking study (parking space counts within existing residential uses) reflect the number of parking spaces occupied per occupied residential unit. The parking study's ratios do not take into account the unoccupied parking spaces that are reserved for the exclusive use of a single residential unit and no one else. That is, the parking demand ratio can correctly reflect the demand for parking only when the entire parking supply is shared on a first-come, first-served basis. Only on a shared use basis can the unoccupied parking spaces be correctly counted as empty and unused. For example, a resident or guest looking for an available parking space in an empty garage may not find one because all of the empty spaces could have been reserved for use by only one specific resident. The empty parking spaces, in this case, would not be available to meet the actual demand for parking since they are reserved for the exclusive use of one person.

For example, the proposed project includes 120 public parking spaces for guests, and 888 parking spaces for residents of the proposed project for a total of 1,008 on-site parking spaces. If the applicant sells all 556 proposed condominium units, and each condominium unit sale includes two reserved parking spaces, there is a parking demand for 1,112 parking spaces ($2 \text{ spaces per unit} \times 556 \text{ units} = 1,112 \text{ parking spaces}$) before any actually parks a vehicle in the garage. On the other hand, if the proposed 1,008-space parking supply for residents and guests is a shared reservoir where all parking spaces are available on a first-come, first-served basis, then the proposed parking supply will meet a parking demand of up to 1.8 parking spaces per unit. A parking demand of 1.8 parking spaces per unit is substantially higher than the parking demand ratios presented in the applicant's parking study for existing high-density residential uses in the coastal zone: 0.66 to 1.59 parking spaces per occupied residential unit (See Graph, Exhibit #15, p.3).

The applicant is proposing that the 1,008-space on-site parking supply be comprised of both shared and reserved parking areas because some of the proposed 556 condominium units will be sold with one reserved parking space, some will be sold with two reserved parking spaces,

and some units will not be sold but rented as apartments with no reserved parking spaces. The applicant's proposed parking management plan would allocate the on-site parking supply as follows:

10 Three-bedroom units/2 spaces each	20 Parking Spaces (maximum)
189 Two-bedroom units/2 spaces each	378 Parking Spaces (maximum)
60 One-bedroom with study/2 spaces each	120 Parking Spaces (maximum)
297 One-bedroom only units/1 space each	297 Parking Spaces (maximum)
Public & Guest parking spaces	120 Parking Spaces (minimum)
<u>Unallocated spaces not reserved</u>	<u>73 Parking Spaces (minimum)</u>
556 Total Units	1008 Parking Spaces Total

The applicant states that all 888 parking spaces for the residents would be held in a hybrid shared/reserved parking reservoir, with one or two individual parking spaces sold (and thus reserved) with each sale of a condominium unit. The sales of parking spaces would be limited to a one parking space maximum for the one-bedroom units, and a two parking space maximum for units larger than one bedroom, including one-bedrooms with studies. Therefore, the common pool of residential parking would start with 888 parking spaces, with individual parking spaces being sold-off one or two at a time, until there would eventually be only a 73-space pool when and if all 556 condominium units are sold along with the maximum number of parking spaces. Of course, should some two- and three-bedroom condominium owners chose to buy (and reserve) only one parking space (instead of the maximum two parking spaces per unit), or should some units remain unsold, the common pool of parking will stabilize at a point somewhere greater than 73 parking spaces.

In any case, the proposed 120-space public parking supply would be the parking area for guests of the residents and the general public. The City has required the applicant, as part of the street vacation and tract map approvals, to provide the 120 parking spaces for public use in exchange for using the underground portion of Victory Park for part of the proposed project's parking garage. The applicant has agreed to provide the 120 public parking spaces as required by the City, but intends to also use the public parking spaces for the proposed project's guest parking area.

The applicant states that the proposed project will not reduce the number of public parking spaces on Ocean Boulevard. The City is considering whether to remove approximately fourteen curbside parking spaces from the south curb of Ocean Boulevard in order to open an additional eastbound traffic lane on Ocean Boulevard. The removal of the curbside parking spaces and creation of an additional eastbound traffic lane on Ocean Boulevard are being considered as mitigation for traffic impacts in downtown Long Beach, but not as part of the currently proposed project. Any alteration of the existing curbside parking supply would be reviewed under a separate local coastal development permit.

Parking Supply and Management Requirements

If the applicant's proposal to provide 1,008 on-site parking spaces for the proposed 556 condominium units will meet the goals and carry out the intent of the certified LUP, then the Commission may grant an exception to the parking standard contained in the certified LIP (Planned Development District No. 6). The goals of the certified LUP are to protect public access to the shoreline, ensure that the each project's parking supply is sufficient to meet its parking demands, and to:

1. *Increase reliance on public transit.*
2. *Decrease reliance on automobiles.*
3. *Provide slightly more parking*
4. *Increase pedestrian and bicycle access opportunities.*

Avoiding any increase in competition for the limited shared parking facilities in the coastal zone (i.e., public parking lots and on-street parking spaces) also protects public access to the shoreline by making it easier for shoreline visitors to find a parking space.

The Commission, in a recent amendment to the Subarea 7 standards of Planned Development District No. 6, specifically incorporated a provision which allows exceptions to the parking standards listed in the General Development and Use Standards for PD-6 [See LCP Amendment No. 1-99]. The LCP amendment affected only the LCP standards for Subarea 7 because it was a project driven (hotel) LCP amendment. The currently proposed project is in Subarea 9 of PD-6. For parking requirements in Subarea 7 of PD-6, located three blocks west of the proposed project, the certified LIP states (emphasis added):

Number of spaces. Reuse of existing buildings shall not require parking in excess of what currently exists. New construction shall provide parking as required for new development pursuant to the parking standards listed in the General Development and Use Standards for PD-6, or pursuant to a detailed parking study that demonstrates that the project will provide adequate parking to meet the needs of the development without causing negative impacts to coastal access or access to public recreational facilities...

Although the above-stated parking standard is not applicable to the site of the currently proposed project, the Commission's acceptance of a "detailed parking study" in lieu of strict adherence to the general development parking standard of two parking spaces per unit (plus guest parking) indicates that a finding of consistency with the certified LCP can be made if "the project will provide adequate parking to meet the needs of the development without causing negative impacts to coastal access or access to public recreational facilities." The certified LIP specifically states that variances from the standards of the LIP shall not be granted unless "such variance meets the intent of the standards of this plan." Therefore, if the proposed project meets the intent of the certified LCP in regards to parking, then an exception may be granted to the general development parking standard of two parking spaces per unit (plus guest parking).

The proposed project will provide an adequate parking supply to meet the needs of the residents and guests without causing negative impacts to coastal access or access to public recreational facilities. The limited parking supply will decrease reliance on automobiles and increase reliance on public transit as required by the LUP access and transportation policies. The applicant's parking study shows that high-density residential developments in Southern California cities (Long Beach, San Diego, Marina del Rey and Santa Monica) generate a parking demand of 0.66 to 1.59 parking spaces per occupied residential unit (See Graph, Exhibit #15, p.3). The 1,008 parking spaces proposed to serve the 556 residential units equals a ratio of 1.8 parking spaces per residential unit ($1,008 \text{ spaces} / 556 \text{ units} = 1.81$). Therefore, the proposed parking ratio of 1.8 parking spaces per residential unit exceeds the actual demand for parking in similar developments in the coastal zone and can be expected to provide an adequate supply to meet the needs of the proposed development.

In the event that the parking demand of the proposed project exceeds the proposed supply of 1,008 on-site parking spaces, it is unlikely that it would result in any negative impacts to coastal access or access to public recreational facilities. The on-street parking that exists near the proposed project is highly sought after by local residents and customers of the nearby commercial uses, but is not a primary parking supply for coastal access. The parking for the nearby shoreline recreation facilities (beach and marina), located about a half-mile south and west of the proposed project, would be very inconvenient for use by the residents of the proposed project or any of the other properties located inland of Shoreline Drive (Exhibit #2). Besides the half-mile distance between the project site and the recreational parking facilities, one would have to cross Shoreline Drive, a six-lane highway with limited crossings. In addition, the special conditions of Coastal Development Permit 5-00-050 (City of Long Beach), and City parking permit requirements for the marina parking, prohibit residents from storing their vehicles in the public parking lots located south of Shoreline Drive.

The applicant's parking study shows that the proposed 1,008 on-site parking spaces will be sufficient to serve the proposed project. Each unit will be served by 1.8 parking spaces, but no one can purchase 1.8 spaces. The parking spaces, however, will be sold as whole spaces (not fractions) as part of each condominium sale. There are not enough parking spaces (1,008 spaces) to allow two parking spaces to sold with each of the 556 proposed condominium units ($2 \times 556 = 1,112$). Therefore, there must be a limit on how many parking spaces can be sold (and thus reserved) with each condominium unit.

The applicant, in meetings with Commission staff, agreed to the following formula:

A maximum of one parking space per unit may be sold (or reserved) for the exclusive use of the person(s) who reside in each one-bedroom unit (297 units/297 parking spaces). The resident(s) of a one-bedroom unit may not have exclusive use of more than one parking space. One space per unit, regardless of number of residents in each unit.

A maximum of two parking spaces per unit may be sold (or reserved) for the exclusive use of the person(s) who reside in each unit larger than one-bedroom,

including one-bedroom units with studies (259 units/518 parking spaces). The resident(s) of units larger than one-bedroom, including one-bedroom units with studies, may not have exclusive use of more than two parking spaces. Two spaces per unit, regardless of number of residents in each unit.

The remainder of the 888 parking spaces (those not owned or reserved by residents) shall be managed as a common pool of shared parking for: residents who have opted not to purchase or otherwise reserve a parking space, residents in need of more than the maximum one or two parking spaces as allocated above, and guests and employees of the proposed project.

The above-stated formula would result in the 1,008 proposed on-site parking spaces being used as follows:

10 Three-bedroom units/2 spaces each	20 Parking Spaces (maximum)
189 Two-bedroom units/2 spaces each	378 Parking Spaces (maximum)
60 One-bedroom with study/2 spaces each	120 Parking Spaces (maximum)
297 One-bedroom only units/1 space each	297 Parking Spaces (maximum)
Public & Guest parking spaces	120 Parking Spaces (minimum)
<u>Unallocated spaces not reserved</u>	<u>73 Parking Spaces (minimum)</u>
556 Total Units	1008 Parking Spaces Total

The Commission finds that the proposed 1,008-space parking supply, if managed to limit the sales of parking spaces as stated above, will meet the goals and intent of the certified LCP. Therefore, Special Condition Two of the permit requires the applicant to manage the proposed parking supply in order to limit the number of parking spaces sold and reserved in order to ensure that there will be adequate parking available to meet the needs of the residents and guests of the proposed project. Only as conditioned does the proposed project meet the goals and intent of the certified LCP.

In addition, Special Condition Six requires the applicant and all designated operators and managers of the parking facilities proposed herein to participate in the Traffic and Parking Management Association (PTMO) established pursuant to the City of Long Beach certified LCP. The PTMO is an association that manages the sharing of private parking facilities throughout the Downtown Shoreline area in order to ensure that an adequate downtown parking supply is available during peak parking demand periods. The proposed project includes the provision of 120 public parking spaces in the proposed parking garage, which is partially located on public property. The City tract map and site plan review approval requires the applicant to participate in the PTMO and to make the 120 public parking spaces available as part of the shared parking plan that is organized and implemented through the PTMO. A condition of this permit also mandates the applicant's participation in the PTMO.

In regards to the PTMO, the certified LCP states:

PD-6 General Development and Use Standards: Access (b)(6)

A Traffic and Parking Management Association shall be created to monitor traffic generation and parking demand in the Planned Development Area, and to implement specific parking management strategies and transportation demand management programs as needed. The goal of the traffic and parking management program shall be to provide adequate parking to support the development in a cost-effective manner, and to provide public access to the coast while providing some discouragement for use of private automobiles over transit alternatives. The goal of the transportation demand management shall be to minimize the negative impacts of project-related trips on local streets and intersections and upon the regional freeway network; it shall consider measures such as providing no free on-site parking for employees and providing employees with free transit passes. All development within the project area shall be required to participate in the Association when it is formed. The Association shall be formed prior to commencement of development of LCP Subarea 5 or of the retail/entertainment complex in Subarea 6 west of Pine Avenue."

Only as conditioned to participate in the PTMO is the proposed project consistent with the requirements of the certified Long Beach LCP.

D. Public Access and Views

The City of Long Beach certified LCP contains policies to protect and enhance physical, visual, and psychological access to the coast. The LUP states that the principal element of the access component is the Promenade. The Promenade, a dedicated north/south running pedestrian walkway, connects the heart of the downtown area to the shoreline amenities of Long Beach situated south of Ocean Boulevard. The Promenade South (the portion south of Ocean Boulevard) provides direct pedestrian access to the Convention Center and Hotel, Rainbow Harbor, the Shoreline Village shopping area, and indirect access to Marina Green Park and the Downtown Marina.

In regards to pedestrian access, the certified LCP states:

PD-6 Subarea 7 Specific Development and Use Standards: Access

(b)2. Pedestrian Access. Pedestrian access will be provided from Ocean Boulevard southerly on the Promenade South as approved in Coastal Commission Permit No. A71-78. The east/west pedestrian walkway shall either be extended through this area along the southern edge of development parcels to the Promenade South or alternative public pedestrian access and viewing area(s) shall be provided at higher elevations. In order to provide necessary pedestrian

interaction in the area, new developments shall provide public walkways, at least ten feet in width, around the perimeter of the site except where a site abuts to public street(s) with adequate public pedestrian walkways at least 15' feet in width. In addition, whenever it is feasible the development shall provide shoreline viewing areas. The walkways and viewing areas shall be guaranteed public access through easements or deed restrictions.

The Promenade, which runs north/south and ends at the shoreline, should not be confused with the east/west promenade. The east/west promenade is a public pedestrian accessway that runs parallel to Ocean Boulevard on the southern edge of the blufftop properties on the south side of Ocean Boulevard, including the properties subject to this appeal. The proposed development is located in Subarea 9 of PD-6, three blocks east of the north/south Promenade referred to above. Therefore, the proposed project will not interfere with public pedestrian access on the Promenade.

The other major pedestrian access element of the certified LCP is the plan for a continuous elevated east/west public walkway on the seaward side of the Ocean Boulevard high-rises. The east/west walkway, which is not currently contiguous, would parallel Seaside Way on the level of Ocean Boulevard. This east/west walkway is referred to in this report as both the east/west walkway and the promenade, with a small "p".

In Subarea 9, where the proposed project is located, the certified LCP requires the provision of a twenty-foot wide east/west walkway along the entire southern edge of the site:

PD-6 Subarea 9 Specific Development and Use Standards: Access

(b)2. Pedestrian Access. Pedestrian access shall be provided along the southern edge of the subarea by a public promenade twenty feet (20') in width from Hart Place to Lime Avenue. This promenade shall be at Ocean Boulevard level adjoining the north curb of Seaside way or on the southern edge of any development utilizing air rights over Seaside Way.

The proposed project includes the required twenty-foot wide east/west walkway along the southern edge of the site (Exhibit #5). This public walkway would provide public views to the shoreline area located south of the proposed project. The provision of the east/west public walkway is necessary to replace the views that currently exist across the site from Ocean Boulevard and Victory Park (and which will be partially blocked by the proposed project). The Commission's condition of approval requires the applicant to record a deed restriction that guarantees public access (and signage) to the proposed east/west promenade on the Ocean Boulevard level. Only as conditioned does the proposed development conform to the requirements of the certified Long Beach LCP.

In addition, the certified LCP states that two thirty-foot wide north-south walkways shall be provided through the project site and that these walkways shall be open public areas providing

unobstructed views to the southern boundary of the subarea. The two required north/south walkways shall provide pedestrian access to the required east/west promenade.

PD-6 Subarea 9 Specific Development and Use Standards: Access

(b)2. A public walkway from Ocean Boulevard to the [p]romenade shall be provided at Hart Place, Elm Avenue, Atlantic Avenue and Lime Avenue. These walks shall be within open public areas not less than 30 feet (30') in width providing an unobstructed view from Ocean Boulevard to the southern boundary of the subarea.

The above-stated LCP standard requires that two thirty-foot wide north-south walkways be provided on the project site: one at Hart Place on western edge of site and one at Elm Avenue in the middle of the project site between the two proposed towers (Exhibit #5). These public walkways are also protected view corridors, providing views south from Ocean Boulevard and Victory Park. The City approval permitted a reduced width (20' instead of 30') for the north-south walkway located at Hart Place on the western edge of site (Exhibit #5).

The view down the proposed twenty-foot wide Hart Place view corridor from Ocean Boulevard to the shoreline area is interrupted by the Long Beach Arena, the structure painted with a mural featuring various whales and fish. While the view from Hart Place is a valuable public view, the Elm Avenue view corridor features a view of the marina and shoreline from Ocean Boulevard and Victory Park. The applicant proposes to provide the total sixty feet of view corridor on the Hart Place and Elm Avenue view corridors as required by the LCP, but in lieu of the two thirty-foot wide (30'/30') view corridors, the applicant is proposing one forty-foot wide view corridor (Elm Avenue) and one twenty-foot wide view corridor (Hart Place) for a total width of sixty feet (40'/20')(Exhibit #5).

The Commission finds that the proposed forty-foot wide view corridor and walkway at Elm Avenue, together with the twenty-foot wide view corridor and walkway at Hart Place, are consistent with the intent of the certified LCP to protect public access and views through the site. Therefore, the permit is conditioned to require the applicant to record a deed restriction that guarantees public access (and signage) on the two north/south walkways that connect to the proposed east/west promenade on the southern edge of the site (Exhibit #5). Only as conditioned does the proposed development conform to the requirements of the certified Long Beach LCP.

Any surface parking areas within the Elm Avenue view corridor would not be consistent with the provisions of the certified LCP. The certified LCP prohibits open parking areas on the Ocean Boulevard level.

PD-6 General Development Standards: Parking

(d)3. Open Parking. No open parking shall be permitted at Ocean Boulevard grade. This does not prohibit vehicle drop off or automobile court areas where these areas are specifically permitted.

In this case, parking areas are specifically prohibited within the required view corridors. A vehicular drop-off area is permitted. In order to ensure that the public views through the view corridors are protected, the permit is conditioned to prohibit encroachments, parking areas, or other structures over 42 inches in height within the view corridors. Only as conditioned does the proposed development conform to the requirements of the certified Long Beach LCP.

The City's approval of the site plan and tract map include the provision of a ninety-foot side yard setback on the eastern edge of the site adjacent to Linden Avenue, even though the LCP does not require a setback or view corridor in this location (Exhibit #4). This ninety-foot wide side yard on the eastern side of the project is proposed to be developed with a private swimming pool enclosed by a wall, trellis and lush landscaping. Public access is not allowed within the ninety-foot wide side yard/private swimming pool area. While this ninety-foot wide side yard has been referred to as a view corridor, the only views protected by this setback area would be views from the high-rise apartment buildings located inland of the proposed project. The Ocean Boulevard level development (wall) proposed in the ninety-foot wide side yard area would obstruct any public views that currently exist through the eastern portion of the project site.

Public pedestrian access from Ocean Boulevard to Seaside Way (thirty feet lower in elevation) is provided, as required by the certified LCP, by a public sidewalk along both sides of Linden Avenue (Exhibit #5). As part of the proposed project, the applicant is providing a public stairway to connect the east end of the Ocean Boulevard level east/west walkway to the this sidewalk on the Seaside Way level, thirty feet below.

Pedestrian Bridge

The certified LCP requires the developers of the site to provide for the construction of the promenade (east/west walkway) and public walkways abutting the site and over one-half the width of the public right-of-way necessary to join the promenade to the adjoining property. The certified LCP states:

PD-6 Subarea 9 Specific Development and Use Standards: Access.

(f) Developer On and Off-site Improvements and Maintenance. The developer of all construction of new buildings and of all condominium conversions shall provide for the construction of the promenade and public walkways abutting the site and over one-half the width of the public right-of-way necessary to join the [p]romenade to the adjoining property.

As stated above, the applicant is proposing to provide for the construction of the east/west promenade on the southern edge of the site, north/south public walkways at Hart Place and Elm

Avenue, and the public sidewalk abutting the site at Linden Avenue. The LCP requirement for the construction of public walkways over one-half the width of the rights-of-way to join the east/west public promenade to the adjoining properties involves the construction of two pedestrian bridges, each spanning a right-of-way (Hart Place and Linden Avenue) that is about thirty feet lower than the east/west promenade (east/west promenade is at Ocean Boulevard elevation). The LCP requires the applicant to provide for half of each of the two necessary pedestrian bridges: one bridge over Hart Place and one bridge over Linden Avenue. An east/west promenade bridge over Hart Place would link the east/west promenade to the Convention Center, which is public property. An east/west promenade bridge over Linden Avenue would link the east/west promenade to the adjacent property, which is developed with a high-density residential building.

The City's approval of the site plan and tract map includes a condition requiring the applicant meet the above-stated requirement of the certified LCP. In order to meet the requirement, the applicant can actually construct the necessary bridge connections to link the east/west walkway to the adjoining properties, or pay an in lieu fee to the City to be used for the construction. Since the LCP requires the applicant to provide for one-half of the two necessary pedestrian bridges, the in lieu fee payment to the City may be the applicant's preferred choice. The in lieu fee must be paid into a City fund used for the actual construction of the pedestrian bridges over Hart Place and Linden Avenue.

A superior option, in terms of public access benefit, would be for the applicant to actually construct at least one whole pedestrian bridge in order to link the east/west public promenade to one of the abutting properties, either to the east of to the west of the proposed project. The public access benefit would be greater if the bridge over Hart Place was constructed, thereby extending the existing public walkway from the Convention Center plaza (public park) to the east/west promenade proposed along the southern edge of the project site (Exhibit #5). The construction of this bridge and the proposed east/west public promenade would extend the existing public access system about eight hundred feet further eastward than it currently exists. It would also provide a direct pedestrian link to the public areas, arena and theatre located in the Convention Center (Exhibit #2).

Therefore, as required by the certified LCP, the applicant is required to either: A) pay an in lieu fee to the City for the construction of the pedestrian bridges over Hart Place and Linden Avenue, or B) include in the proposed project the construction of a pedestrian bridge over Hart Place, thereby linking the east/west public walkway proposed along the southern edge of the project site to the Convention Center plaza located west of the project site (Exhibit #5). Only as conditioned does the proposed development conform to the requirements of the certified Long Beach LCP.

E. Victory Park Improvements

Victory Park is a dedicated City park, approximately eighty feet in width, situated between the Ocean Boulevard right-of-way and the private properties on the south side of Ocean Boulevard (Exhibit #4). The certified LCP requires that Victory Park shall be preserved as a dedicated City Park, and that all development on the site be set back a minimum of eighty feet from the Ocean Boulevard curblin, or the width of the existing City Park strip, whichever is greater [PD-6 General Development Standards: Building Design].

The City has approved the applicant's request to remove all existing landscaping (mature trees and lawn) from the park area abutting the project and to excavate the parkland in order to accommodate the proposed three-level parking garage which would be partially located beneath Victory Park. This would remove the park from public use for an undetermined amount of time. When the park is finally restored as required by the City, it will no longer have the large shade trees and the character of the park will be changed by the presence of the two proposed 18-story towers. The public would benefit from the use of 120 public parking spaces in the proposed garage, which is partially located on public property.

After the park is demolished and excavated, and the proposed parking garage is constructed, the applicant proposes to landscape the top of the garage roof and restore the area as a City park (Exhibit #4). The restored park would be the same elevation as Ocean Boulevard, and be entirely within the eighty-foot setback area provided between the Ocean Boulevard curblin and the proposed towers. The restored park, however, would be bisected by a driveway providing vehicular access to the proposed parking garage. The proposed driveway through the park would occupy the present Elm Avenue right-of-way (Exhibit #4).

The following provision of the certified LCP local approval permits the proposed driveway within the required City Park strip because it specifically states that vehicular access is allowed from Elm Avenue. The driveway would be located on the site of the current Elm Avenue right-of-way, which the City intends to vacate.

PD-6 Specific Development Standards: Subarea 9 Access

(b)1. Vehicular Access. All construction of new buildings shall have vehicular access only from Seaside Way and Elm and Linden Avenues. Existing buildings may maintain access from Ocean Boulevard for reuse or conversion to condominium.

The LCP general prohibition against vehicular access from Ocean Boulevard, which protects Victory Park for public recreation uses rather than for private vehicular uses, does not apply in this case. The certified LCP allows vehicular access to the site from the Elm Avenue right-of-way. Since vehicular access already exists on the Elm Avenue right-of-way, the proposed project's driveway (from Ocean Boulevard) will not displace any currently existing portion of Victory Park (Exhibits #3&4). Therefore, the proposed Elm Avenue driveway is consistent with the certified LCP.

The certified Long Beach LCP protects Victory Park and all other dedicated parks within the City's coastal zone. The proposed project complies with the following policy by restoring and preserving the park as a public park. The proposed project will not result in any permanent loss of public parkland.

The certified LCP Park Dedication Policy states:

No parkland which has been dedicated or designated within the coastal zone shall be committed to another use unless the City replaces such parkland on an acre-for-acre basis within or adjacent to the coastal zone with the approval of the California Coastal Commission. Such replacement parkland must provide similar recreational opportunities and be accessible to the same population through private or affordable public transportation. Replacement parkland shall also be dedicated or designated in perpetuity.

Special Condition Three requires the applicant to restore Victory Park as follows:

- A) The proposed condominium towers and all proposed private improvements, except for underground parking located entirely below the elevation of Ocean Boulevard, shall be set back a minimum of eighty feet (80') from the current southern curblineline of Ocean Boulevard. Encroachments onto or over any portion of Victory Park are prohibited unless specifically permitted by a coastal development permit. Prohibited encroachments include, but are not limited to: gates, fences, walls, signs, tables, chairs, displays, merchandise racks, and roof overhangs. Public benches are permitted and encouraged.
- B) The proposed Victory Park improvements shall be constructed concurrent with, the construction of the proposed condominium units. The proposed Victory Park improvements shall be completed, verified by the City as being in compliance with the Victory Park guidelines, and open for use by the general public, prior to occupancy of the proposed residential units. Subsequent to the completion of the proposed improvements to Victory Park, the permittee, its agents, managers, and sublessees shall not block or interfere with public access to and use of Victory Park at any time.

As conditioned, Victory Park will be restored and will remain a public park as required by the certified LCP. Therefore, the proposed project complies with the requirements of the certified Long Beach LCP.

F. California Environmental Quality Act

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as

conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

Two feasible alternatives have been considered: 1) provide the 1,205 on-site parking spaces as required by the parking standard of the certified LCP (197 more spaces than currently proposed), and 2) reduce the density of the proposed project so the ratio of the proposed 1,008 on-site parking spaces and number residential units (465 units) is consistent with the parking standard of the certified LCP. The alternative to add more parking was rejected because that would require the proposed parking structure to exceed the elevation of Ocean Boulevard, which would result in negative impacts to visual resources in violation of the certified LCP. The alternative to reduce the proposed residential density has been rejected as unnecessary because the currently proposed project, as conditioned, would not result in any adverse effects on the environment.

The proposed project, as conditioned, has been found to be consistent with the certified Long Beach LCP. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp